

---

By: **Senator McFadden (By Request - Baltimore City Administration)**

Introduced and read first time: February 5, 2004

Assigned to: Judicial Proceedings

---

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety - Collection of DNA Sample - Arrestee Charged with Crime of**  
3 **Violence**

4 FOR the purpose of requiring an individual who is charged with a certain crime to  
5 submit a DNA sample to the Department of State Police, subject to adequate  
6 funding for the collection of DNA samples; requiring the collection of DNA  
7 samples at a facility specified by the Director of the Crime Laboratory; clarifying  
8 that a certain failure of an individual on probation to provide a DNA sample is a  
9 violation of probation; prohibiting an individual charged with a crime of violence  
10 from failing to submit a DNA sample to the Department of State Police;  
11 providing for certain penalties; providing for the application of this Act; and  
12 generally relating to collection of DNA samples.

13 BY repealing and reenacting, with amendments,  
14 Article - Public Safety  
15 Section 2-504  
16 Annotated Code of Maryland  
17 (2003 Volume)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Public Safety**

21 2-504.

22 (a) IF ADEQUATE FUNDS FOR THE COLLECTION OF DNA SAMPLES ARE  
23 APPROPRIATED IN THE STATE BUDGET:

24 (1) [In] IN accordance with regulations adopted under this subtitle,  
25 [and if adequate funds for the collection of DNA samples are appropriated in the  
26 State budget,] an individual who is convicted of a felony or a violation of § 6-205 or §  
27 6-206 of the Criminal Law Article shall:

1 (i) have a DNA sample collected on intake to a correctional facility,  
2 if the individual is sentenced to a term of imprisonment; or

3 (ii) provide a DNA sample as a condition of sentence or probation, if  
4 the individual is not sentenced to a term of imprisonment[.];

5 (2) [If adequate funds for the collection of DNA samples are  
6 appropriated in the State budget,] an individual who was convicted of a felony or a  
7 violation of § 6-205 and § 6-206 of the Criminal Law Article on or before October 1,  
8 2003 and who remains confined in a correctional facility on or after October 1, 1999,  
9 shall submit a DNA sample to the Department[.]; AND

10 (3) AN INDIVIDUAL WHO IS CHARGED WITH A CRIME OF VIOLENCE, AS  
11 DEFINED IN § 14-101 OF THE CRIMINAL LAW ARTICLE, SHALL SUBMIT A DNA SAMPLE  
12 TO THE DEPARTMENT.

13 (b) In accordance with regulations adopted under this subtitle, each DNA  
14 sample required to be collected under this section shall be collected:

15 (1) at the correctional facility where the individual is confined, if the  
16 individual is confined in a correctional facility on or after October 1, 2003, or is  
17 sentenced to a term of imprisonment on or after October 1, 2003; or

18 (2) at a facility specified by the Director, if the individual:

19 (I) is on probation or is not sentenced to a term of imprisonment;

20 OR

21 (II) HAS BEEN CHARGED WITH A CRIME OF VIOLENCE AS  
22 PROVIDED IN SUBSECTION (A) OF THIS SECTION.

23 (c) A DNA sample shall be collected by an individual who is:

24 (1) appointed by the Director; and

25 (2) trained in the collection procedures that the Crime Laboratory uses.

26 (d) A second DNA sample shall be taken if needed to obtain sufficient DNA for  
27 the statewide DNA data base or if ordered by the court for good cause shown.

28 (e) Failure of an individual who IS ON PROBATION AND WHO is not sentenced  
29 to a term of imprisonment to provide a DNA sample within 90 days after notice by the  
30 Director is a violation of probation.

31 (F) AN INDIVIDUAL CHARGED WITH A CRIME OF VIOLENCE WHO FAILS TO  
32 SUBMIT A DNA SAMPLE TO THE DEPARTMENT IN ACCORDANCE WITH SUBSECTION  
33 (A)(3) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS  
34 SUBJECT TO IMPRISONMENT NOT EXCEEDING 18 MONTHS OR A FINE NOT  
35 EXCEEDING \$500 OR BOTH.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
2 construed to apply only prospectively and may not be applied or interpreted to have  
3 any effect on or application to any criminal charges issued before the effective date of  
4 this Act.

5 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2004.